Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Message Text

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ORIGIN DLOS-03

INFO OCT-01 ISO-00 ARA-03 EA-03 NEA-03 EUR-03 AF-03
SIG-02 /021 R

66011
DRAFTED BY:D/LOS:WNEWLIN:LB
APPROVED BY:D/LOS:WNEWLIN
----------160710Z 087560 /14
R 151902Z JUN 77
FM SECSTATE WASHDC
TO ALL DIPLOMATIC POSTS

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FOLLOWING REPEAT USUN 1888 ACTION ROME SECSTATE DATED
JUN 14:

QTE: UNCLAS USUN 1888

DEPT. PASS ALL DIPLOMATIC POSTS

FROM US DEL LOS

E.O. 11652: N/A
TAGS: PLOS
SUBJECT: LOS CONFERENCE -- UNCLASSIFIED WEEKLY REPORT - WEEK
OF JUNE 6-10, 1977

1) SUMMARY: THIRD WEEK OF CONFERENCE, DEVOTED TO
COMMITTEE I (DEEP SEABED) MATTERS, CONCENTRATED
IN DAY AND NIGHT SESSIONS ON SYSTEM OF EXPLOITA-
TION IN WORKING GROUP UNDER NORWEGIAN MINISTER
EVENSEN. HIS INTERIM DRAFTS WERE SUBJECT TO INCON-
CLUSIVE DISCUSSION FOR DAY AND A HALF IN GROUP OF
77, WITH SOME CONTINUING TO ARGUE FOR UNITARY,
RATHER THAN PARALLEL, SYSTEM, BUT MOST FELT SHIFT AT THIS
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LATE DATE WOULD PROBABLY DOOM SESSION (IF NOT CONFERENCE).
US DELIVERED STATEMENT FRIDAY EXPLAINING WHY INTERIM
DRAFTS, TAKEN AS A WHOLE, WERE UNACCEPTABLE TO US.
KEY PROBLEMS RELATE TO UNCERTAINTY OF REQUIRE-
METS FOR OBTAINING A CONTRAST, POTENTIAL EXTENT
OF FINANCIAL BURDENS ON MINING, UNDULY RESTRICTIVE
LIMITATIONS ON SEABED PRODUCTION, AND POLI-

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TICAL CRITERIA FOR AWARDING CONTRACTS. EVENSEN
PLANS TO SUBMIT REVISED DRAFT TO COMMITTEE I CHAIR-
MAN ENGO., THE CHAIRMEN OF COMMITTEES II AND III
CONSULTED INFORMALLY ON ORGANIZATION OF WORK COM-
MENCING FOLLOWIG WEEK. DISPUTE SETTLEMENT DIS-
CUSSION REVEALS GROWING SUPPORT FOR BASIC APPROACH
OF CURRENT TEXT ON PROCEDURAL QUESTIONS. END SUMMARY.

2) COMMITTEE I --

A. THE EVENSEN ROUND OF DISCUSSIONS ON THE SEABED
REGIME CONCLUDED ON JUNE 11. NORWEGIAN MINISTER
JENS EVENSEN, WHO HEADED AN INFORMAL WORKING GROUP
FOR THE PAST THREE WEEKS, SUBMITTED HIS FINAL COM-
PROMISE TEXT ON KEY ELEMENTS OF THE SEABED REGIME
TO COMMITTEE I CHAIRMAN ENGO (CAMEROON), WHICH
HAS NOT BEEN DISTRIBUTED. WHAT ENGO WILL DO WITH THE
EVENSEN PRODUCT AND HOW HE WILL HANDLE THE RE-
MAINING GIVE WEEKS OF COMMITTEE I DELIBERATIONS
REMAINS UNCERTAIN.

B. IN SUMMARIZING THEIR VIEWS ON THE FIRST REVISION
OF EVENSEN'S DRAFT TEXT, DELEGATES UNIFORMLY
PRAISED EVENSEN'S PERSONAL EFFORTS TO
ACHIEVE AND ACCEPTABLE COMPROMISE. NEVERTHELESS,
HIS DRAFTS CONTINUED TO RECEIVE CONSIDERABLE
CRITICISM, REFLECTING SUBSTANTIAL DIVERGENCE OF
VIEWS AMONG THE CONFEREES.

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C. THE US (RICHARDSON) DELIVERED ITS STERNEST
INTERVENTION OF THE CONFERENCE JUNE 10. RICHARDSON
CRITICZED NOT ONLY THE EVENSEN TEXT FOR FAILING
TO POINT TOWARDS AN ACCEPTABLE COMPROMISE, BUT
THE NEGOTIATING PROCESS FOR PRODUCING MORE POS-
TURING THAN CONCRETE BARGAINING. HE WENT ON TO
DETAIL MAJOR PROBLEMS WITH THE EVENSEN TEXT:

(A) THE TEXT DESCRIBES A SYSTEM OF ACCESS WHICH SEEMS TO GIVE
THE AUTHORITY POTENTIALLY LIMITLESS POWERS; AND COULD RESULT IN
INSUFFICIENT ASSURANCE OF OPPORTUNITIES FOR MINING BY STATES
AND THEIR NATIONALS.

(B) IT LEAVES OPEN THE POSSIBILITY OF FINANCIAL BURDENS ON
MINING OPERATIONS THAT WOULD DETER OR PREVENT SEABED DEVELOPMENT.

(C) IT ARTIFICIALLY LIMITS PRODUCTION OF SEABED MINERALS, IN A
FASHION MORE STRINGENT THAN IS NECESSARY TO PROTECT CURRENT LAND-
BASED PRODUCERS OF THESE MINERALS.

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(D) IT GIVES POWERS TO THE AUTHORITY WHICH COULD LEAD TO GRANT-
INT ACCESS TO THE SEABEDS ON POLITICAL, RATHER THAN ECONOMIC,
GROUNDS.

$. THE UK, FRG AND JAPAN CONTRIBUTED STRONG
REMARKS ALONG LINES SIMILAR TO THE U.S. THE SOVIET
UNION, HOWEVER, DESCRIBED THE EVENSEN TEXT AS A
"STEP FORWARD TOWARDS COMPROMISE."

E. CANADA SAID IT COULD NOT ACCEPT THE PRODUC-
TION LIMIT IN THE EVENSEN TEXT, WHICH ESTABLISHES
A CEILING ON SEABED MINING AT 75 PERCENT OF THE GROWTH
SEGMENT OF THE WORLD NICKEL MARKET. THE CANADIANS
CONTINUED TO INSIST ON A 50-50 SPLIT WHICH WOULD
IN EFFECT, GUARANTEE AT LEAST HALF OF THE GROWTH
SEGMENT TO LAND-BASED PRODUCERS (CANADA IS THE
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WORLD'S LEADING NICKEL PRODUCER)M THE U.S. RE-
ASSERTED OUR OPPOSITION TO ANY ARTIFICIAL DIVISION
OF THE GROWTH SEGMENT AND CONTINUED TO HOLD THAT
SEABED MINING WOULD NOT HAVE SUBSTANTIAL ADVERSE
IMPACT ON CURRENT NICKEL PRODUCERS. FURTHER,
RICHARDSON ESTIMATED THAT SEABED COPPER WOULD COM-
PRISE NO MORE THAN 5 PERCENT OF THE WORLD COPPER MARKET
IN THE YEAR 2000, THUS REFUTING CLAIMS BY LAND-BASED
PRODUCERS (ESPECIALLY CHILE AND PERU) THAT SEABED
MINING REPRESENTS A SERIOUS THREAT TO THEM.

F. DEVELOPING COUNTRIES, LACKING A CONSENSUS POSTION
WITHIN THE G-77, CONTINUED TO SPEAK OUT ON THEIR OWN,
REFLECTING VARYING DEGREES OF DISAGREEMTN WITH THE EVENSEN TEXT.

G. THE POSITION OF MOST DELEGATIONS APPEARS TO BE THAT A
TRUE PARALLEL SYSTEM, INCLUDING ACCESS FOR STATE ENTITIES AND
ASSURANCE OF A VIABLE ENTERPRISE, REPRESENTS THE BEST
COMPROMISE APPROACH. THE U.S. ALSO CONTINUED TO EXPRESS
INTEREST IN A 20-YEAR REVIEW CONFERENCE AS PART OF AN OVERALL
SEABED PACKAGE.

3) COMMITTEE II -- WHILE COMMITTEE II DID NOT
MEET DURING THE WEEK, CONSULTATIONS WERE HELD. THE GROUP
OF 21 (LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED
STATES) MET TO DISCUSS THE FORMER'S ACCESS TO LIVING
RESOURCES IN THE ECONOMIC ZONE OF THEIR NEIGHBORS.
IN ADDITION, THERE WAS A CONTINUING PERCEPTION (REPORTED
IN LAST WEEK'S REPORT) THAT THE ARTICLES ON THE LEGAL
STATUS OF THE ECONOMIC ZONE MUST BE MODIFIED AND THAT
IT IS NOT REPEAT NOT ACCEPTABLE (AS STATED IN THE EXISITING

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TEXT, ARTICLE 75) THAT THE HIGH SEAS COMMENCE AT 200 MILES.
COMMITTEE II COMMENCES ITS WORK JUNE 13.

4) COMMITTEE III - CHAIRMAN YANKOV INFORMALLY PROPOSED
SCHEDULE FOR FOURTH THROUGH SIXTH WEEKS OF CONFERENCE
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SESSION FOR THEIRD COMMITTEE. FOURTH AND FIFTH WEEKS
(JUNE 13-24) WILL CONCENTRATE ON MARINE POLLUTION
WITH ONLY ONE DAY DEVEOTED TO SCIENTIFIC RESEARCH.
SIXTH WEEK (JUNE 27-JULY 1) WILL BE
RESERVED FOR SCIENTIFIC RESEARCH. JOSE VALLARTA
(MEXICO) WILL CHAIR INFORMAL WORKING GROUP MEETINGS ON
MARINE POLLUTION, BEGINNING WITH ARTICLE 30 ON ENFORCEMENT
AGAINST VESSEL SOURCE POLLUTION. VALLARTA INTENDS TO
CONCENTRATE ON ARTICLE 30 (ENFORCEMENT), SECTION VIII
(;3,*94:3.3,5 -*3&7-4$), AND TERRITORIAL SEA
STANDARD-SETTING BY COASTAL STATES TO PREVENT VESSEL SOURCE
POLLUTION. YANKOV INTENDS TO CHAIR MEETINGS ON
SCIENTIFIC RESEARCH HIMSELF IN AN AS YET UNSPECIFIED
FORUM. INFORMAL CONSULTATIONS CONTINUE TO INDICATE GROWING UNDER-
STANDING OF NECESSITY OF REDUCING RESTRICTIONS IN RSNT ON
SCIENTIFIC RESEARCH IN ORDER TO REACH COMPROMISE.

5) PART IV - DISPUTE SETTLEMENT: UNDER THE CHAIRMANSHIP OF
CONFERENCE PRESIDEN AMERASINGHE CDS WAS DISCUSSED IN TWO
INFORMAL PLENARIES DURING THE WEEK JUNE 6-11. ARTICLE 9
(CHOICE OF PROCEDURE) WAS THE PRINCIPAL SUBJECT OF BOTH
SESSIONS. ALTHOUGH PREFERENCE WAS EXPRESSED ON SEVERAL
OCCASIONS FOR THE LAW OF THE SEA TRIBUNAL AS THE RESIDUAL
FORUM UNDER ARTICLE 9, THE GREAT MAJORITY OF THE DELEGATIONS
PRESENT ENDORSED THE NEW TEXT AS AN IMPROVEMENT OVER THE PREVIOUS
TEXT, AND FOUND ARTICLE 9 A REASONABLE COMPROMISE. BROAD
SUPPORT WAS EVINCED FOR A SINGLE LAW OF THE SEA TRIBUNAL WITH AN
INDEPENDENT SEABED DISPUTE CHAMBER ENJOYING EXCLUSIVE
JURISDICTION OVER ALL DISPUTES RELATING TO PART I. CONSIDERABLE
OBJECTION, HOWEVER, WAS RAISED AS TO THE NEED FOR SPECIAL
ARBITRAL PROCEDURES (ORIGINALLY PROPOSED BY THE USSR), AND
SUPPORT WAS GIVEN FOR THE TUNISIAN PROPOSAL TO DELETE THE LAST
HALF OF ARTICLE 9(2). IT SPECIAL ARBITAL PROCEDURES WERE
RETAINED, MANY DELEGATIONS WERE INSISTENT THAT NO LOOPHOLE
ON COMPREHENSIVE DISPUTE SETTLEMENT THEREBY BE CREATED.

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LEONARD UNQTE CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, SEABED, MEETING REPORTS, EXPLOITATION (NATURAL RESOURCES)
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Decaption Note:
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Executive Order: N/A
Errors: N/A
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Office: ORIGIN DLOS
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Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
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Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2139189
Secure: OPEN
Status: NATIVE
Subject: LOS CONFERENCE -- UNCLASSIFIED WEEKLY REPORT - WEEK OF JUNE 6-10, 1977 1) SUMMARY: THIRD WEEK OF CONFERENCE, DEVOTED TO
TAGS: PLOS, OCON, XX, LOS
To: ALL POSTS
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/400a777c-c288-dd11-92da-001cc4696bcc
Review Markings:
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22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009